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ROOM H-405, U.S. CAPITOL
225-4121

U.S. HOUSE OF REPRESENTATIVES

PERMANENT SELECT COMMITTEE ON INTELLIGENCE

WASHINGTON, D.C. 20515

December 22, 1978

Honorable Stansfield Turner
Director of Central Intelligence
Washington, D. C. 20505

Dear Admiral Turner:

The Permanent Select Committee on Intelligence intends to hold a series of hearings beginning in late January 1979 concerned with the protection and use of national security information in the context of both criminal and civil litigation. The hearings, which will consist of seven sessions spanning four days, will concentrate on the problems inherent in trying cases involving espionage, leaks of classified material, and the phenomenon called "graymail" as well as the use of pre-publication review and other civil proceedings to preclude the publication of classified material. The hearings will be conducted by the Subcommittee on Legislation, chaired by Congressman Morgan F. Murphy.

Because of your great interest in this subject, both as the Director of Central Intelligence and head of the Central Intelligence Agency, I am proposing that you designate witnesses to appear on your behalf to discuss various problems that the intelligence community has encountered in the areas within the scope of the Committee's inquiry. I believe, on the basis of previous appearances before this Committee, that your General Counsel, Anthony Lapham, has an excellent grasp on the issues that will arise in the context of the Committee's hearings and would be a fine lead-off witness.

As an aid to preparation for participation in the hearings, I enclose a prospectus for each session, materials which embody some suggested remedies to the problems of litigation involving national security information and a tentative witness list. To assist the Committee staff in preparing for the hearings, it would be appreciated that any written statement be submitted at least 72 hours in advance. Additional information concerning the hearings may be obtained from Mr. Michael O'Neil, Chief Counsel of the Committee, at 225-4121.

With every good wish, I am

Sincerely yours,

Edward P. Boland
EDWARD P. BOLAND
Chairman

MORI/CDF

Enclosures

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HEARING SCHEDULE
WITH TENTATIVE WITNESS LIST

All Hearings will be held in Room H-405 in the Capitol Building.

January 24

Morning Session: 9:00 a.m.-12:00 noon (open)

Topic: The Problem

Witnesses: Robert Keuch, Deputy Assistant Attorney General
for Criminal Division

Anthony Lapham, General Counsel, CIA

General Counsel, CIA

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Afternoon Session: 1:00-4:00 p.m. (open)

Topic: Pre-Publication Review

Witnesses: Anthony Lapham, General Counsel, CIA

Representative from Department of Justice,
Civil Division

Mark Lynch, ACLU Attorney

January 25

Morning Session 9:00 a.m.-12:00 noon (open)

Topic: Proposals

Witnesses: Senator Joseph Biden, Chairman, Subcommittee
on Secrecy and Disclosure, Senate Select
Committee on Intelligence

Philip Lacovara, Esq., Hughes, Hubbard and Reed

Professors Harold Edgar and Benno C. Schmidt, Jr.,
Columbia University Law School

January 31

Morning Session: 9:00 a.m.-12:00 noon (open)

Topic: Comment on Legislative Proposals by Distinguished Legal Scholars

Witnesses: William Colby, Colby, Miller and Hanes
Edward Levi, University of Chicago Law School
Antonin Scalia, University of Chicago Law School

Afternoon Session: 1:00-4:00 p.m. (open)

Topic: Comment on Legislative Proposals by Distinguished Civilian Trial Lawyers

Witnesses: Mitchell Rogovin, Rogovin, Stern and Huge
William Hudley, Attorney at Law
Michael Tigar, Tigar and Baffome

February 1

Morning Session: 9:00 a.m.-12:00 noon (closed)

Topic: Case Histories of Intelligence Disclosures Which Were Not Investigated or Prosecuted

Witnesses: Representatives of CIA, NSA, DoD and DoJ

Afternoon Session: 1:00-4:00 p.m. (closed)

Topic: Genuine National Security Secrets

Witnesses: Representatives of CIA, NSA, DoD and DoJ

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EXECUTIVE SECRETARIAT (O/DCI)

Routing Slip

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TO:		ACTION	INFO	DATE	INITIAL
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3	DD/RM				
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5	DD/CT				
6	DD/A				
7	DD/O				
8	DD/S&T				
9	GC	✓	<i>w/ all attachments</i>		
10	LC	✓			
11	IG				
12	Compt				
13	D/PA				
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SUSPENSE DATE: *2 Jan*

Remarks:

To # 10: P1s consult & prepare DCI response.